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Attorneys for Defendants and Counterclaimant
Yerba Buena Engineering & Construction, Inc., and
Travelers Casualty and Surety Company of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, for the use)
of AAA RESTAURANT FIRE CONTROL,)
INC., doing business as AAA FIRE)
PROTECTION SERVICES; and AAA)
RESTAURANT FIRE CONTROL, INC.,)

Plaintiff,

vs.

YERBA BUENA ENGINEERING &)
CONSTRUCTION, INC., a California)
corporation; TRAVELERS CASUALTY AND)
SURETY COMPANY OF AMERICA, a)
Connecticut corporation; and DOES 1 TO 100,)
inclusive,)

Defendants.

YERBA BUENA ENGINEERING &)
CONSTRUCTION, INC., a California)
corporation; and TRAVELERS CASUALTY)
AND SURETY COMPANY OF AMERICA,)

Counterclaimants,

vs.

UNITED STATES OF AMERICA, for the use)
of AAA RESTAURANT FIRE CONTROL,)
INC., doing business as AAA FIRE)
PROTECTION SERVICES; and AAA)
RESTAURANT FIRE CONTROL, INC.)

Counterdefendant.

Case No. CV 07 5912 WDB

ORDER RE

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
REQUEST FOR CONTINUANCE OF
HEARING**

CMC Hearing Date: March 12, 2009

Time: 1:30 p.m.

Courtroom: 4, Oakland

Hon. Wayne D. Brazil, Presiding

1 Defendants and counterclaimants Yerba Buena Engineering & Construction, Inc.
2 ("Yerba Buena") and Travelers Casualty and Surety Company of America ("Travelers"), and
3 plaintiff and counterdefendant AAA Restaurant Fire Control, Inc. submit this Joint Case
4 Management Conference Statement pursuant to Local Rule 16-9.

5
6 **Settlement**

7 The Parties have reached an informal settlement of this entire action and have exchanged
8 drafts of the settlement agreement in this matter. The Parties believe that a final settlement
9 agreement will be executed, and settlement payment and settlement documents will be
10 exchanged within 45 days.

11 **Request for Continuation of 3.12.09 Case Management Conference**

12 In its last case management order, the Court granted the parties request for a continuance
13 of the case management conference to allow for a mediation to take place. The Court
14 specifically stated that no further continuances would be granted. However, in light of the
15 parties' settlement, the parties jointly request that the Court continue the Case Management
16 Conference currently set for March 12, 2009, for a period of at least 45 days to allow the
17 Parties to exchange the necessary settlement documents and payment, and to file a stipulation
18 to dismiss this entire action.
19

20
21 DATED: March 9, 2009

McINERNEY & DILLON, P.C.

22
23 By _____/S/_____
24 Neil H. Bui
25 Attorneys for Defendants and Counterclaimant
26 Yerba Buena Engineering & Construction, Inc.,
27 and Travelers Casualty and Surety Company of
America

1 DATED: March 9, 2009

2
3 By _____/S/_____
4 Lawrence E. Smith
5 Attorneys for Plaintiff United States of America
6 for use of AAA Restaurant Fire Protection
7 Services, Inc.

8 ORDER

9 Pursuant to the parties' joint request, the Case Management Conference set for March 12,
10 2009, is continued to April 30, 2009, at 3:00 p.m.

11 IT IS SO ORDERED.

12 Dated: March 9, 2009

